IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 240 of 2007 (S/B)

Sri Kishan Khandelwal S/o Late Sri K.L. Khandelwal,
R/o A-278, Tulsi Nagar, Polysheet,
Haldwani, District Nainital. …… Petitioner

Versus

1. Vice Chancellor, Kumaun University, Nainital.
2. Chancellor, University of Kumaun, Dehardun.
3. Registrar, Kumaun University, Nainital. ……. Respondents

Mr. Dushyant Mainali, Advocate for the petitioner.
Mr. B.D. Upadhyaya, Advocate for respondents Nos. 1 & 3.
Mr. Subhash Upadhyaya, Brief Holder for the respondent No.2
Mr. Sharad Sharma, Advocate for the proposed Intervener

JUDGEMNT

Coram: Hon'ble Rajeev Gupta, C.J.

Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Dushyant Mainali, Advocate for the petitioner.

Mr. B.D. Upadhyaya, Advocate for respondents Nos. 1 & 3.

Mr. Subhash Upadhyaya, Brief Holder for the respondent No.2

Mr. Sharad Sharma, Advocate for the proposed Intervener.

2. Mr. B.D. Upadhyaya, the learned counsel for respondents Nos. 1 & 3 submitted that as the petitioner, during the pendency of the writ petition, has availed the alternative remedy of making a representation to the Chancellor under Section 68 of the U.P. State Universities Act, 1973, the present writ petition is liable to be dismissed.

3. Mr. Dushyant Mainali, the learned counsel for the petitioner, in view of the above objection, seeks permission to withdraw the writ petition with the liberty of filing another writ petition, if the future developments so warrant.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. With the above order, CLMA No. 2893 of 2007 also stands disposed of.

(J.C.S.Rawat,J.) 01.11.2007

(Rajeev Gupta, C.J.) 01.11.2007

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